

01-0702

CPA 1754

| CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity) | | | | | Docket No. 49458-CPA (71987) | |
|--|--------|------------|--------|----------------|---|--|
| Submit an original, and a duplicate for fee processing. (Only for Continuation or Divisional Applications Under 37 CFR 1.53(d)) | | | | | <input type="checkbox"/> DUPLICATE (Check box if applicable) | |
| First Named Inventor | | Examiner | | Group/Art Unit | | |
| Chen et al | | E. Johnson | | 1754 | | |
| Address to: Assistant Commissioner for Patents Box CPA Washington, D.C. 20231 | | | | | | |
| This is a request for filing a <input checked="" type="checkbox"/> continuation or <input type="checkbox"/> divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number <u>09/454,316</u> filed on <u>December 3, 1999</u> and entitled: CATALYST FOR OXACYLATION AND USE OF SAME | | | | | | |
| 1. <input checked="" type="checkbox"/> Enter the unentered amendment previously filed on <u>December 3, 2001</u> under 37 CFR 1.116 in the prior nonprovisional application. | | | | | | |
| 2. <input type="checkbox"/> A preliminary amendment is enclosed. | | | | | | |
| 3. <input type="checkbox"/> This application is being filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4). a. <input type="checkbox"/> DELETE the following inventor(s) named in the prior nonprovisional application: | | | | | | |
| b. <input type="checkbox"/> The inventor(s) to be deleted are set forth on a separate sheet attached hereto. | | | | | | |
| 4. <input type="checkbox"/> A new power of attorney or authorization of agent is enclosed. | | | | | | |
| 5. <input checked="" type="checkbox"/> Small Entity Status: a. <input type="checkbox"/> A small entity statement is enclosed. b. <input checked="" type="checkbox"/> A small entity statement was filed in the prior nonprovisional application and such status is still proper and desired. | | | | | | |
| 6. <input checked="" type="checkbox"/> The fee for this application is calculated as follows: | | | | | | |
| CLAIMS AS FILED | | | | | | |
| For | #Filed | #Allowed | #Extra | Rate | Fee | |
| Total Claims | | - 20 = | 0 | x \$9.00 | \$0.00 | |
| Indep. Claims | | - 3 = | 0 | x \$42.00 | \$0.00 | |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> | | | | | \$0.00 | |
| 01/08/2002 BNGUYEN1 00000128 09454316 | | | | | BASIC FEE \$370.00 | |
| 01 FC:231 370.00 DP | | | | | TOTAL FILING FEE \$370.00 | |

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CPA) REQUEST TRANSMITTAL (Small Entity)
Applications Under 37 CFR 1.53(d))

ments or charge the following fees to

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umber 3, 2001;
e Under 37 CFR 1.136(a), 1 page

01;
001.

over to this CPA UNLESS a new correspondence address

CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL (Small Entity)
(Only for Continuation or Divisional Applications Under 37 CFR 1.53(d))

NOTES

Submit an original, and a duplicate for fee processing.

FILING QUALIFICATIONS: The prior application must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC 154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. 1.53(b).

EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional or continuation-in-part of an application that is not to be abandoned.

ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the Applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or application in the file jacket.

35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

Dated: January 4, 2002


Signature

John B. Alexander, Ph.D.

Typed or printed name

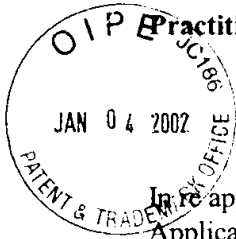
48,399

Registration Number (if applicable)

- ☐ Inventor(s)
☐ Assignee of complete interest
☒ Attorney or agent of record

cc:

COPY



Practitioner's Docket No. 49458 (71987)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Chen, et al.
Application No.: 09/454,316 Group No.: 1754
Filed: December 3, 2001 Examiner: E. Johnson
For: CATALYST FOR OXACYLATION AND USE OF SAME

Box AF
Assistant Commissioner for Patents
Washington, D.C. 20231

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is
☐ a small entity. A statement:
☐ is attached.
☐ was already filed.
☒ other than a small entity.

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EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) -- If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☐ deposited with the United States Postal Service, as First Class Mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

- ☒ transmitted by facsimile to Group 1700 of the Patent and Trademark Office (703) 872-9311.

Date: December 3, 2001

Signature

John B. Alexander, Ph.D.

(type or print name of person certifying)

Ref: 01/08/2002 BNGUYEN1 0022452700
Name/Number: 09454316
\$85.00 CR

(Amendment Transmittal--page 1 of 4)

If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).

NOTE: See 37 C.F.R. Section 1.645 for extensions of time in interference proceedings, and 37 C.F.R. Section 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. Section 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. Section 1.136 (fees: 37 C.F.R. Section 1.17(a)(1)-(4)) for the total number of months checked below:

| | Extension (months) | Fee for other than small entity | Fee for small entity |
|--------------------------|-----------------------|------------------------------------|-------------------------|
| <input type="checkbox"/> | one month | \$ 110.00 | \$ 55.00 |
| <input type="checkbox"/> | two months | \$ 400.00 | \$ 200.00 |
| <input type="checkbox"/> | three months | \$ 920.00 | \$ 460.00 |
| <input type="checkbox"/> | four months | \$ 1,440.00 | \$ 720.00 |

Fee: \$ 110.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured. The fee paid therefor of \$ _____ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ _____

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. Section 1.16(b)-(d)) has been calculated as shown below:

| (Col. 1) | | | | | | (Col. 2) | | (Col. 3) SMALL ENTITY | | OTHER THAN A SMALL ENTITY | |
|--|----|-------|---------------------------------------|---|------------------|----------|---------------|-----------------------|-----------|------------------------------|---------|
| Claims Remaining After Amendment | | | Highest No. Previously Paid For | | Present Extra | Rate | Addit. Fee | OR | Rate | Addit. Fee | |
| Total | 15 | Minus | 40 | = | x \$9 = | \$ | | | x \$18 = | \$ | |
| Indep. | 1 | Minus | 3 | = | x \$42 = | \$ | | | x \$84 = | \$ 0 | |
| [] First Presentation of Multiple Dependent Claim | | | | | + \$140 = | \$ | | | + \$280 = | \$ | |
| Total Addit. Fee | | | | | | \$ | OR | Total Addit. Fee | | | \$ 0.00 |

- * If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3,
 ** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 20, enter "20".
 *** If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
 The "Highest No. Previously Paid For" (Total or Indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

WARNING: *"After final rejection or action (Section 1.113) amendments may be made canceling claims or complying with any requirement of form which has been made." 37 C.F.R. Section 1.116(a) (emphasis added).*

(complete (c) or (d), as applicable)

- (c) [X] No additional fee for claims is required.

OR

- (d) [] Total additional fee for claims required \$ 0.00

FEE PAYMENT

5. [] Attached is a check in the sum of \$ 0.00.
 [] Charge Account No. _____ the sum of \$ _____.

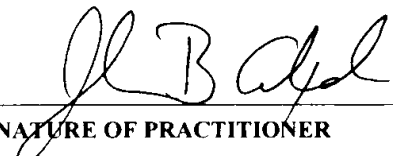
FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 04-1105.

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 04-1105.



SIGNATURE OF PRACTITIONER

Reg. No. 48,399

John B. Alexander, Ph.D.
(type or print name of practitioner)

Tel. No. 617-439-4444

P.O. Box 9169
P.O. Address

Customer No. 21874

Boston, MA 02209

BOS2_184022.1

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)Applicant(s): **Chen et al.**

Docket No.

49458-CPA (71987)

Serial No.

09/454,316

Filing Date

December 3, 1999

Examiner

E. Johnson

Group Art Unit

1754

Invention:

CATALYST FOR OXACYLATION AND USE OF SAME

I hereby certify that the following correspondence:

(1) Continued Prosecution Application Request Transmittal, Small Entity, 3 pages; (2) Combined Amendment & Petition for Extension of Time, one month; (3) Certificate of Express Mail No. 933049814 US; (4) Check in the amount of \$510.00; (5) Copy of Amendment Transmittal, dated 12/3/01, 4 pgs; (6) copy of amendment after final, 12/3/01, 6 pgs.

(Identify type of correspondence)

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on

January 4, 2002*(Date)***John B. Alexander, Ph.D.***(Typed or Printed Name of Person Mailing Correspondence)*
*(Signature of Person Mailing Correspondence)***Express Mail No. 933049814 US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.****RECEIVED****JAN 10 2002****TC 1700**